IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 562 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01-03-2004 in W.P.No.3643 of 2004 on the file of the High Court.)

Between:

G. Venkat Reddy S/o Seshu Reddy
R/o Joharampuram Village, Kurnool Mandal and district

..... APPELLANT

AND

1 District Collector, Kurnool, Kurnool
2 Revenue Divisional Officer, Kurnool District Kurnool

.....RESPONDENTS

Counsel for the Appellant: Mr.V.VENKATARAMANA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORAL JUDGMENT : (per THE HON'BLE THE CHIEF JUSTICE)

We have heard learned counsel for appellant.

W.P.No.3643 of 2004 was dismissed on 1-3-2004 by relying on the ratio of Division Bench of this Court in **VANA ADAMMA v. DISTRICT COLLECTOR.** Present appeal is against the said order.

Appellant sought to declare action of respondents in not conducting enquiry under Section 5-A of the Land Acquisition Act,1894 as arbitrary and illegal on the ground that respondents had failed to take over possession of the land within a period of three months pursuant to the notification under Section 4(1) of the Land Acquisition Act issued on 12-6-2003.

On 24-3-2004, appellant's grievance was noticed that possession of the land has not been taken nor 80% of compensation has not been paid. Learned counsel for respondents refuted this statement saying that as per his instruction, possession was taken on 6-12-2003. On 9-4-2004 learned counsel for appellant sought time to file affidavit to refute the stand taken by learned counsel for respondents. In spite of number of opportunities, appellant-petition has not controverted the said statement

of fact, which was made by learned counsel for respondents in two affidavits. In the additional counter affidavit filed on behalf of respondents, it is stated that even the amount towards 80% of land compensation has been deposited in the Court of Principal Senior Civil Judge, Kurnool vide Challan dated 17-7-2004 since there is a dispute between Wakf Board and petitioner-appellant as regards entitlement of the amount. Since appellant has not controverted the stand taken by respondents that possession was already taken on 6-12-2003, there is no merit in the appeal.

Writ Appeal is dismissed. No costs.

(DEVINDER GUPTA, CJ)

30th September,2004

(C.V. RAMULU,J)

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SECTION OFFICER.

To

1 District Collector, Kurnool, Kurnool
2 Revenue Divisional Officer, Kurnool District Kurnool

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